

**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

In re: )  
RS FIT NW LLC, ) Chapter 11  
Debtor. ) Case No. 20-11568 (KBO)  
 ) (Jointly Administered)  
 )  
 )  
24 HOUR FITNESS WORLDWIDE, INC., )  
Plaintiff, )  
v. )  
 )  
CONTINENTAL CASUALTY COMPANY; ) Adv. Pro. No. 20-51051 (KBO)  
ENDURANCE AMERICAN SPECIALTY )  
INSURANCE COMPANY; STARR SURPLUS )  
LINES INSURANCE COMPANY; ALLIANZ )  
GLOBAL RISKS US INSURANCE COMPANY; )  
LIBERTY MUTUAL INSURANCE COMPANY; )  
BEAZLEY-LLOYD'S SYNDICATES 2623/623; )  
ALLIED WORLD NATIONAL ASSURANCE )  
COMPANY; QBE SPECIALTY INSURANCE )  
COMPANY; and GENERAL SECURITY )  
INDEMNITY COMPANY OF ARIZONA, )  
 )  
Defendants. )  
 )

**PROPERTY INSURER DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND  
INCORPORATED MEMORANDUM OF LAW**

**EXHIBIT A-21**

*Excerpts from the Deposition of Jason Carter  
(7/21/2022)*

UNITED STATES BANKRUPTCY COURT

DISTRICT OF DELAWARE

In re:

RS FIT NW LLC,	:	Chapter 11
Debtor.	:	Case No. 20-11568 (KBO)
	:	(Jointly Administered)
<hr/>		:
24 HOUR FITNESS WORLDWIDE,	:	:
INC.,	:	:
	:	:
Plaintiff,	:	:
	:	:
-vs.-	:	:
	:	:
CONTINENTAL CASUALTY COMPANY;	:	:
ENDURANCE AMERICAN SPECIALTY	:	:
INSURANCE COMPANY; STARR	:	:
SURPLUS LINES INSURANCE COMPANY;	:	:
ALLIANZ GLOBAL RISKS US INSURANCE:	:	:
COMPANY; LIBERTY MUTUAL INSURANCE:	:	:
COMPANY; BEAZLEY-LLOYD'S	:	:
SYNDICATES 2623/623;	:	:
ALLIED WORLD NATIONAL ASSURANCE	:	:
COMPANY; QBE SPECIALTY INSURANCE	:	:
COMPANY; and GENERAL SECURITY	:	:
INDEMNITY COMPANY OF ARIZONA,	:	:
	:	:
Defendants.	:	:

JULY 21, 2022

ZOOM VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF  
JASON CARTER, held via remote teleconference hosted by  
U.S. Legal Support, located at 1818 Market Street,  
Suite 1400, Philadelphia, Pennsylvania, on Thursday,  
July 21, 2022, at 11:01 a.m., before Michelle Keys, a  
Stenographer and Notary Public of the Commonwealth of  
Pennsylvania.

1 resulting from COVID-19?

2 MR. O'CARRROLL: Objection to form.

3 THE WITNESS: That's correct.

4 BY MR. DENN:

5 Q. And you're not aware or you don't recall any  
6 specific efforts after the clubs were closed  
7 nationally to remove or clean COVID-19 from inside  
8 the clubs?

9 MR. O'CARRROLL: Objection to form.

10 THE WITNESS: Correct.

11 BY MR. DENN:

12 Q. And this may be my last question.

13 But other than -- other than cleaning  
14 the -- the individual clubs just prior to reopening  
15 them, are you aware of any cleaning that was done in  
16 the clubs during the period of time that they were  
17 closed?

18 MR. O'CARRROLL: Objection to form.

19 THE WITNESS: No.

20 MR. DENN: I do not have any other  
21 questions for you, sir. Thank you.

22 There are other attorneys on --

23 THE WITNESS: Thank you.

24 MR. O'CARRROLL: I certainly don't  
25 have any questions for Mr. Carter. So if

1 CERTIFICATE

2 I HEREBY CERTIFY that the proceedings, evidence,  
3 and objections are contained fully and accurately in the  
4 stenographic notes taken by me upon the deposition of  
5 JASON CARTER taken on JULY 21, 2022, and that this is a  
6 true and correct transcript of same.

7

8 I FURTHER CERTIFY that I am neither attorney nor  
9 counsel for, not related to nor employed by any of the  
10 parties to the action in which this deposition was taken;  
11 further, that I am not a relative or employee of any  
12 attorney or counsel employed in this case, nor am I  
13 financially interested in this action.

14   
15

16

17 Michelle Keys  
18 Stenographer  
and Notary Public

19

20

21 (The foregoing certification of  
22 this transcript does not apply to any  
23 reproduction of the same by any means  
24 unless under the direct control and/or  
25 supervision of the certifying reporter.)